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**APR 05 2005**

PATENT APPLICATION  
Docket No. 6071-015

I hereby certify that this correspondence is being transmitted to Mail Stop Amendment, the U.S. Patent and Trademark Office via facsimile number 703-872-9306 on April 5, 2005.

*Kim M. Ramsey*  
Kim M. Ramsey

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Ron McCabe, et al.

Confirmation No. 3297

Serial No.: 09/873,977

Examiner: Wen Tai Lin

Filed: June 2, 2001

Group Art Unit: 2154

For: FLEXIBLE REMOTE DATA MIRRORING

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Responsive to the Restriction Requirement dated December 10, 2004, enclosed is a Response in the above-identified application. The fee has been calculated as shown below.

CLAIMS AS AMENDED					
For:	Number After Amendment	Previous Number	Extra	Rate	Additional Fee
Total Claims	26	44-*	0	x \$25 =	\$0
Independent Claims	15	-30**	0	x \$100 =	\$0
Extension of Time - 3 <sup>rd</sup>					\$ 510
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$ 510

\*greater of twenty (20) or number for which fee has been paid

\*\*greater of three (3) or number for which fee has been paid

- ☒ Applicant petitions the Commissioner for an extension of time, for a total period of three (3) months, to respond. The extension fee is included and a duplicate copy of this form is enclosed.
- ☒ PTO Form 2038 authorizing credit card payment for the above-listed fees is enclosed.
- ☒ Any deficiency or overpayment should be charged or credited to deposit account number 13-1703.

Customer No. 20575

Respectfully submitted,

MARGER JOHNSON & MCCOLLOM, P.C.

*Scott A. Schaffer*  
Scott A. Schaffer  
Reg. No. 38,610

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MARGER JOHNSON & MCCOLLOM, P.C.  
1030 SW Morrison Street  
Portland, OR 97205  
(503) 222-3613

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Alexandria, VA 22313-1450**RESPONSE TO RESTRICTION REQUIREMENT**

Responsive to the Restriction Requirement dated December 10, 2004, Applicants hereby elect Group II, namely, Claims 4, 6-11, 17-24, 29-31, 35-37 and 42-44, without traverse except as noted below.

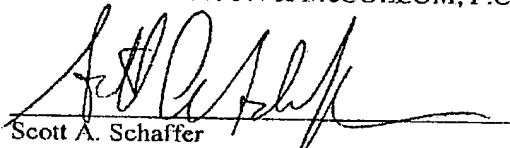
The Examiner has indicated that claims 5 and 38 are within Group I. Applicants hereby traverse as to claims 5 and 38, which should be classified under Group II. Claims 5 and 38, classified by Examiner under Group I, instead are dependent from Group II claims 4 and 37, respectively. As claims 5 and 38 depend from and are thus narrower than the Group II independent claims from which they depend, claims 5 and 38 should not require an additional search, and thus, restriction of those claims from their independent claims would be improper.

The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Customer No. 20575

Respectfully submitted,

MARGER JOHNSON &amp; MCCOLLOM, P.C.

  
Scott A. Schaffer

Registration No. 38,610

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Portland, OR 97205  
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